

REMARKS

This paper is presented in response to the non-final official action of April 24, 2009, wherein (a) claims 1-17 were pending; (b) Specification was objected to because of informalities; (c) claim 3 was objected to because of informalities; (d) claims 5 and 7 were rejected as failing to particularly point out the subject matter; (e) claim 1 was rejected as being anticipated by Nakamichi US 6,859,842 B1 ("Nakamichi"); (f) claims 2, 4, and 9 were rejected as being unpatentable over Nakamichi and further in view of Khotimsky US 6,788,686 B1 ("Khotimsky"); (g) claim 3 was rejected as being unpatentable over Nakamichi and Khotimsky and further in view of Dell US 2002/0136230 A1 ("Dell"); (h) claims 8 and 10-17 were objected to as being dependent upon a rejected base claim, but deemed allowable in substance; and (i) claims 5 and 6 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, 2nd paragraph.

This response is timely filed.

By the foregoing, claims 1-7, 9, and 11 have been amended to more particularly claim the invention. Claims 8, 10, and 12-17 have been canceled, without prejudice. No new matter has been added.

Claims 1-7, 9, and 11 are pending in the application. Applicants respectfully request reconsideration and allowance of the application in view of the foregoing amendments and the below-provided remarks.

The issues raised in the outstanding official action are addressed below in the order raised in the action.

I. Specification Objection

Paragraphs [0029], [0030], [0031], [0033], and [0035] of the specification were objected to because of informalities. Applicants respectfully traverse the objection.

As can be seen, paragraphs [0023]-[0028] of the specification describe further details to the process of mapping data packets to LSPs for forwarding in step 102 (see FIG. 2, steps 201-204). Support for the term “Step 102” in paragraph [0029], line 1 of the specification may be found in the paragraphs [0023]-[0028]. Thus, no amendment is necessary.

Support for the term “Step 103” in paragraph [0029], line 2, paragraph [0030], line 1 of the specification may be found in paragraphs [0032]-[0036] of the specification. These paragraphs describe further details to the process of receiving data packets and merging the data packets into a data packet sequence or data flow in step 103 (see FIG. 3, steps 301-304). Thus, no amendment is necessary.

Paragraph [0031], line 4 of the specification has been amended to replace the term “LSP” with “LSPc.”

Support for the term “LSPc” in paragraphs [0033] and [0035] of the specification may be found in paragraph [0031] of the specification. Thus, no amendment is necessary.

In view thereof, the objection to the specification should be withdrawn.

II. Claim Objections

Claim 3 was objected to because of informalities. By this response, claim 3 has been amended to replace the term “FIFO)” with “(FIFO).”

In view thereof, the objection to claim 3 should be withdrawn.

III. Claim Rejections Under 35 U.S.C. §112, Second Paragraph

Claims 5 and 7 were rejected under 35 U.S.C. §112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Examiner argues that claims 5 and 7 contain the phrase “suppose” that renders the claims indefinite. By this response, claims 5 and 7 have been amended to replace the phrase “suppose that” with “when.” Thus, the claims meet the requirement of 35 U.S.C. §112, second paragraph. The rejection to claims 5 and 7 should be withdrawn.

IV. Claim Rejections Under 35 U.S.C. §102(e) and §103(a), and Allowable Subject Matter

Claim 1 was rejected under 35 U.S.C. §102(e) as being anticipated by Nakamichi. Claims 2, 4, and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nakamichi in view of Khotimsky. Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Nakamichi and Khotimsky, and further in view of Dell. Claims 8 and 10-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 5 and 6 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, 2nd paragraph.

Claim 1 has been amended to recite the allowable subject matter of claim 8. Thus, claim 1 is in condition for allowance.

Claims 2-7 which depend from claim 1 are now in condition for allowance as well.

Claim 9 has been amended to recite the allowable subject matter of claim 10. Thus, claim 9 is in condition for allowance.

Claim 11 which depends from claim 9 is now in condition for allowance as well.

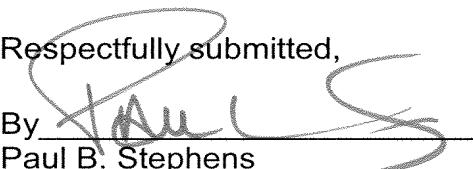
V. Conclusion

Claims 1-7, 9, and 11 are in condition for allowance. A prompt indication of allowability is earnestly solicited.

Should the examiner wish to discuss the foregoing, or any matter of form in an effort to advance this application toward allowance, he is urged to telephone the undersigned at the indicated number.

Dated: June 30, 2009

Respectfully submitted,

By 
Paul B. Stephens

Registration No.: 47,970
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive, Suite 6300
Sears Tower
Chicago, Illinois 60606-6357
(312) 474-6300
Attorney for Applicant